

AMENDED IN SENATE APRIL 6, 2006
AMENDED IN SENATE MARCH 29, 2006
AMENDED IN SENATE MARCH 20, 2006

SENATE BILL

No. 1323

Introduced by Senator Cedillo

February 16, 2006

An act relating to mental health, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1323, as amended, Cedillo. Los Angeles County mental health: treatment pilot program for felony offenders.

Existing law requires the State Department of Mental Health to develop, implement, and regulate various mental health programs in this state. Existing law, the Branson-McCorquodale Act, establishes provisions to organize and finance community mental health services for persons with mental disorders in every county through locally administered and locally controlled community mental health programs.

This bill would appropriate \$350,000 from the General Fund to the department for allocation, *over 5 years*, to the County of Los Angeles, at the consent of the county, for the purpose of creating one position within the Los Angeles County Department of Mental Health to work, in conjunction with the Los Angeles County Superior Court, on a 5-year Co-existing Mental Disorders Treatment Pilot Program for *nonviolent* felony offenders in the state who have been identified as having both serious mental health and substance abuse problems.

The bill would require the Los Angeles County Department of Mental Health to collaborate with a prototype court,~~as defined~~, and would require collaboration with the court and prescribed other local agencies to successful implementation of the program.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) People with a mental illness are significantly
4 overrepresented in jails and prisons.

5 (b) Approximately 5 percent of the United States population
6 has a serious mental illness. However, according to the United
7 States Department of Justice, 16 percent of the prison and jail
8 population has a mental illness.

9 (c) The Los Angeles County Jail holds more people with
10 mental illness on any given day than any psychiatric facility in
11 the United States.

12 (d) It is expensive to keep mental health patients in jail. The
13 cost of drug treatment for inmates in California Department of
14 Corrections and Rehabilitation (CDCR) is eleven dollars (\$11)
15 per day. Treatment extends anywhere from six months to two
16 years. This cost translates to an additional cost of four thousand
17 dollars (\$4,000) per year, per inmate. There are approximately
18 3,000 inmates in CDCR receiving some level of mental health
19 services.

20 (e) Inmates with mental illnesses tend to stay in jail longer
21 than other people. In 2000, in Pennsylvania, inmates with mental
22 illnesses were twice as likely as other inmates to serve their
23 maximum sentence.

24 (f) Mental health inmates have some of the highest rates of
25 recidivism. Ninety percent of Los Angeles County jail inmates
26 with mental illness are repeat offenders. An estimated 31 percent
27 have been incarcerated 10 or more times.

28 (g) Three quarters of inmates with a mental illness have a
29 cooccurring substance abuse problem, a fact which emphasizes
30 why a coordinated approach to treatment is needed.

(h) Individuals with cooccurring mental illness and substance abuse disorders suffer more severe difficulties and use services more often than people with only one disorder.

(i) A coordinated approach to treatment leads to a decrease in recidivism and an increase in treatment adherence. In the case of cooccurring disorder courts, staff at the Lane County Substance Abuse Mental Health Services Administration (SAMHSA) jail diversion program report that treatment adherence among cooccurring individuals is actually higher than the drug offender group because of the high degree of case management provided by the mental health specialist liaison.

(j) Many of the inmates who suffer from mental illnesses are incarcerated because of behaviors associated with their psychiatric condition. In the Los Angeles County jail of the 1,832 mental health patients, 367 of them were arrested for drug or alcohol offences. Nearly one-half of the inmates in prison with a mental illness were incarcerated for committing a nonviolent crime. A study in North Carolina found that people with mental illnesses are almost three times more likely to be victims of violent crimes than people without a mental illness. The California Department of Justice reports that from the period between 1998 and 2003, approximately 28 percent of the felony arrests were due to drug offences.

SEC. 2. (a) The sum of three hundred fifty thousand dollars (\$350,000) is hereby appropriated from the General Fund to the State Department of Mental Health for allocation over five years to the County of Los Angeles for the pilot program established by this act for the purpose of funding a probation staff position in the Los Angeles County Department of Mental Health. Commencing on January 1, 2007, the probation staff position shall work in conjunction with the Los Angeles County Superior Court on a five-year Prototype Court Pilot Program for nonviolent felony offenders in the state who have been identified as having both serious mental health and substance abuse problems. Acceptance of this funding, and participation in the pilot program, by the County of Los Angeles shall be voluntary.

(b) For purposes of this act, the five-year Prototype Court Pilot Program shall include all of the following characteristics:

(1) Eligible participants shall include individuals who have coexisting serious and persistent mental illnesses, as well as a

1 *documented history of substance abuse who face nonviolent*
2 *felony criminal charges in the downtown area of Los Angeles*
3 *County. The program shall attempt to serve approximately 250*
4 *individuals each year.*

5 *(2) The pilot program shall be administered in Department*
6 *113 of the Los Angeles Superior Court located in the Foltz*
7 *Criminal Justice Center in downtown Los Angeles.*

8 *(3) The Los Angeles County Department of Mental Health*
9 *shall use the funding it receives under this act to hire one*
10 *probation staff position who will serve on a staff team of*
11 *approximately four mental health professionals to collaborate*
12 *with the pilot program. The staff team shall work within the*
13 *prototype court to provide evaluations, assessments, case*
14 *management, referrals to services and treatment, and court*
15 *consultation.*

16 *(4) Participation referrals to the pilot program shall originate*
17 *from a variety of sources including jail staff, court staff, judicial*
18 *officers, attorneys, Sheriff's deputies, and law enforcement*
19 *officers. Defendants' initial referral to the pilot program, as well*
20 *as all support services provided by the staff team, shall be*
21 *voluntary.*

22 *(5) Upon receiving a referral, the pilot program staff team*
23 *shall make a preliminary evaluation of the individual's*
24 *eligibility, followed by an assessment and acceptance for the*
25 *program by the defense attorney, prosecuting attorney, and*
26 *judge.*

27 *(6) Upon acceptance into the program, the pilot program staff*
28 *team shall work with the participant to develop an individualized*
29 *service plan designed to achieve all of the following goals in lieu*
30 *of incarceration:*

31 *(A) Protect the safety of the public.*

32 *(B) Minimize the costs of incarceration and criminal court*
33 *proceedings.*

34 *(C) Provide the participant with safe and stable housing.*

35 *(D) Provide the participant with mental health and substance*
36 *abuse treatment services.*

37 *(E) Reduce the participant's psychiatric hospitalizations.*

38 *(F) Reduce the participant's recidivism.*

1 (G) Assist the participant in finding productive uses of his or
2 her time, including, but not limited to, employment, training, or
3 education.

4 (H) Access health care coverage for the participant, including,
5 but not limited to, Social Security and Medi-Cal benefits.

6 (7) Once all parties have agreed on the individualized service
7 plan, the participant shall appear before the court for a
8 dispositional hearing. On a case-by-case basis, the court shall
9 determine the conditions to which the participant must adhere,
10 sanctions for noncompliance, incentives for participation, court
11 appearance orders, and requirements for program completion.

12 (8) The Los Angeles County Department of Mental Health
13 shall collaborate with Department 113 of the Los Angeles
14 Superior Court, the Los Angeles Court Probation Department,
15 other Los Angeles Superior Courts, drug courts and Proposition
16 36 courts, the Los Angeles County Department of Health
17 Services, the District Attorney, the Public Defender or other
18 defense attorneys, and the Sheriff's Department, to ensure
19 successful implementation of the Prototype Court Pilot Program.

20 (9) Los Angeles County shall conduct an evaluation of the
21 effectiveness of the program, including, but not limited to, the
22 program's effect for each participant on all of the following:

23 (A) Recidivism rates.

24 (B) Probation violations.

25 (C) New criminal charges.

26 (D) Number of psychiatric hospitalizations.

27 (E) Participation in mental health treatment.

28 (F) Participation in substance abuse treatment.

29 (G) Enrollment in benefits, including, but not limited to, Social
30 Security and Medi-Cal.

31 (H) Housing status.

32 (I) Employment, training, or educational activities.

33 (10) By July 1, 2012, Los Angeles County shall provide a
34 report to the Legislature describing the findings of its evaluation
35 of the program.

36 ~~SEC. 2. For purposes of this act, the following definitions~~
37 ~~apply:~~

38 ~~(a) "Participant" means to individuals who have coexisting~~
39 ~~serious and persistent mental illnesses, as well as a documented~~

1 history of substance abuse who face felony criminal charges in
2 the downtown area of Los Angeles County.

3 (b) ~~“Department” means to the State Department of Mental~~
4 ~~Health.~~

5 (e) ~~“Prototype court” means to the Co-existing Mental~~
6 ~~Disorders Treatment Pilot Program administered in Department~~
7 ~~113 of the Los Angeles Superior Court located in the Foltz~~
8 ~~Criminal Justice Center in downtown Los Angeles.~~

9 SEC. 3. (a) ~~The State Department of Mental Health shall, at~~
10 ~~the consent of the county, allocate funding provided by this act to~~
11 ~~the Los Angeles County Department of Mental Health for the~~
12 ~~purposes of implementing a Co-existing Mental Disorders~~
13 ~~Treatment Pilot Program over a five-year period commencing~~
14 ~~January 1, 2007.~~

15 (b) ~~The department shall conduct an evaluation of the~~
16 ~~effectiveness of the program, including, but not limited to, the~~
17 ~~program’s effect for each participant on all of the following:~~

- 18 (1) ~~Recidivism rates.~~
- 19 (2) ~~Probation violations.~~
- 20 (3) ~~New criminal charges.~~
- 21 (4) ~~Number of psychiatric hospitalizations.~~
- 22 (5) ~~Participation in mental health treatment.~~
- 23 (6) ~~Participation in substance abuse treatment.~~
- 24 (7) ~~Enrollment in benefits, including, but not limited to, social~~
25 ~~security and Medi-Cal.~~

- 26 (8) ~~Housing status.~~
- 27 (9) ~~Employment, training, or educational activities.~~

28 (c) ~~By July 1, 2012, the department shall provide a report to~~
29 ~~the Legislature describing the findings of its evaluation of the~~
30 ~~program.~~

31 SEC. 4. (a) ~~The Los Angeles County Department of Mental~~
32 ~~Health shall use the funding it receives under this act to~~
33 ~~participate in the Coexisting Mental Disorders Treatment Pilot~~
34 ~~Program in collaboration with the prototype court established in~~
35 ~~Department 113 of the Los Angeles Superior Court.~~

36 (b) ~~Defendants’ initial referral to the prototype court, as well~~
37 ~~as all support services provided by prototype court staff, shall be~~
38 ~~voluntary.~~

39 (c) ~~The Los Angeles County Department of Mental Health~~
40 ~~shall use the funding to hire a probation staff who shall work~~

1 with the mental health staff and the prototype court to provide
2 participants with assessments, case management, referrals to
3 services and treatment, and court consultation. The team shall
4 collaborate with each participant and his or her defense attorney
5 to develop an individualized service plan designed to do all of the
6 following:

7 (1) Protect the safety of the public.

8 (2) Minimize the costs of incarceration and criminal court
9 proceedings.

10 (3) Provide participants with safe and stable housing.

11 (4) Provide participants with mental health and substance
12 abuse treatment services.

13 (5) Reduce participants' psychiatric hospitalizations.

14 (6) Reduce participants' recidivism.

15 (7) Assist participants in finding productive uses of their time,
16 including, but not limited to, employment, training, or education.

17 (8) Access health care coverage for the participant, including,
18 but not limited to, social security and Medi-Cal benefits.

19 (d) The Los Angeles County Department of Mental Health
20 shall monitor and track the program's effect on all of the
21 following for each participant:

22 (1) Recidivism rates.

23 (2) Probation violations.

24 (3) New criminal charges.

25 (4) Number of psychiatric hospitalizations.

26 (5) Participation in mental health treatment.

27 (6) Participation in substance abuse treatment.

28 (7) Enrollment in benefits, including, but not limited to, social
29 security and Medi-Cal.

30 (8) Housing status.

31 (9) Employment, training, or educational activities.

32 (e) The Los Angeles County Department of Mental Health
33 shall collaborate with Department 113 of the Los Angeles
34 Superior Court, the Los Angeles Court Probation Department,
35 other Los Angeles Superior Courts, drug courts and Proposition
36 36 courts, the Los Angeles County Department of Health
37 Services, the District Attorney, the Public Defender or other
38 defense attorneys, and the Sheriff's Department, to ensure
39 successful implementation of the program.

1 ~~SEC. 5. The sum of three hundred fifty thousand dollars~~
2 ~~(\$350,000) is hereby appropriated from the General Fund to the~~
3 ~~State Department of Mental Health for allocation to the County~~
4 ~~of Los Angeles for the purpose of creating five positions within~~
5 ~~the Los Angeles County Department of Mental Health to work,~~
6 ~~in conjunction with the Los Angeles County Superior Court, on a~~
7 ~~five-year Co-existing Mental Disorders Treatment Pilot Program~~
8 ~~for nonviolent felony offenders in the state who have been~~
9 ~~identified as having both serious mental health and substance~~
10 ~~abuse problems.~~